

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HONEYWELL INTERNATIONAL INC.)
and HONEYWELL INTELLECTUAL)
PROPERTIES INC.,)

Plaintiffs,)

v.)

APPLE COMPUTER, INC., et al.,)

Defendants.)

C.A. No. 04-1338-JJF
(Consolidated)

ORDER

WHEREAS, the Special Master issued a Report and Recommendations Regarding DM-1 (D.I. 1141) on August 13, 2008 that included a schedule for limited discovery and for the filing, briefing, hearing and ultimate decision on the Customer Defendants' Motions to Dismiss;

WHEREAS, the parties agree that the referenced August 13, 2008 Report and Recommendation should be re-issued;

WHEREAS, the Special Master has been advised that no party will make an application pursuant to Fed. R. Civ. P. 53(g)(2);

WHEREAS, the Parties agree that is in the interest of judicial economy to attempt one final time to informally resolve the Customer Defendants' request for dismissal and Honeywell's request for information; and

WHEREAS, the Special Master encourages the Parties to cooperate in resolving each outstanding issue, including all informal requests for information from Honeywell, so as to avoid unnecessary delays, discovery disputes, and formal motion practice.

NOW THEREFORE, IT IS HEREBY ORDERED:

1. The Parties shall work together to, *inter alia*, jointly contact relevant third party Licensees so as to informally obtain information sufficient to resolve, or at least narrow, any outstanding issues relating to the Customer Defendants' request to be dismissed. The Parties shall work together in this regard until October 2, 2008.

2. The Parties shall submit a status report no later than close of business on October 3, 2008, which shall be limited to identifying whether and what issues remain pertaining to each Customer Defendants' request for dismissal and Honeywell's request for information.

3. The Special Master will conduct a telephonic hearing on October 7, 2008 at 2:00 pm EDT to determine: (1) whether Honeywell can agree to voluntarily dismiss any of the Customer Defendants, (2) whether Honeywell requires formal discovery with respect to any of the Customer Defendants, and (3), what period of time is appropriate to conduct the necessary formal discovery.

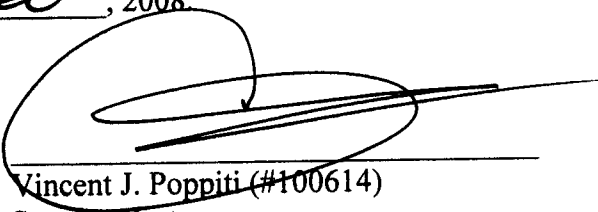
4. Any Customer Defendant which remains in this action may file a motion to dismiss (or motion for summary judgment) (the "Motions") and opening brief on or before October 24, 2008. Honeywell shall file its answering briefs in opposition to the Motions on or before November 7, 2008; and Customer Defendants shall file their reply briefs in on or before November 14, 2008. Opening and answering briefs shall be limited to 20 pages and reply briefs to 10 pages.

5. The Special Master will hold a hearing on the Motions on December 4, 2008 at 1:00 p.m. unless the number of Motions filed will permit the scheduling of an earlier hearing date.

6. The August 13, 2008 Report and Recommendation regarding DM-1 is hereby reissued and supplemented by the dates set forth in this Order.

7. The temporary stay issued by Order dated May 18, 2005 (D.I. 202) is lifted to the extent necessary to effectuate the provisions of this Order.

ENTERED this 18 day of September, 2008



Vincent J. Poppiti (#100614)
Special Master

SO ORDERED this ____ day of _____, 2008.

United States District Judge